UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,775	02/26/2001		10910/3	6334

7590 11/03/2004	EXAMINER
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ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _26 July 2004_.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-39_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-39_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1)   The applicant's amendment and response filed July 26, 2004 has been entered.

2)   Applicant's arguments filed July 26, 2004 have been fully considered but they are not persuasive.

The applicant's argument that Korpela does not teach or suggest server systems or methods for distributing applications and for calculating license fees to be paid to provide for use of the applications is respectfully traversed.

As noted by the applicant, Korpela's charge calculations are based on duration and/or amount of data transferred during calls (e.g. voice calls, data calls, and video calls). However, Korpela inherently discloses that the users must be able to download the necessary proprietary applications (for a specific carrier, e.g. Sprint, T-Mobile, AT&T wireless, etc.) to run the above cited applications (such as the video calls) because not every user wishes to run those applications and each carrier constantly releases updated versions of applications for users to update any existing applications for their phones. If an original mobile phone does not include the video call applications, the carrier or provider must allow a user to download the carrier-specific proprietary application. Furthermore, Korpela specifically discloses that the invention could be used both in advanced mobile stations of the second and third generation as well as of future generations (see col. 4, lines 21-23). The proprietary applications are mostly developed for a specific carrier and the carrier or provider must license any necessary proprietary rights (e.g. copyright or trademark right) to theses developers. Accordingly,

Korpela must be able to calculate a license fee to be paid for each provider based on

the amount of particular data transferred between the mobile phone and the station.

3)   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 102

4)   Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Korpela

(US 6,311,054).

W.R.T. Claim 1:

Korpela discloses a system comprising:

a user information table for storing information regarding a user of each radio

portable terminal (see col. 1, line 43 – col. 2, line 38; see Figs. 1-2);

a provider information table for storing information regarding a provider of each

application (see Id.);

a payment-status management table for managing the status of payment of a

predetermined usage fee (col. 3, lines 19-45);

a detection section for detecting the status of usage of each application (see

Figs. 1-4; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41);

a usage-status management table for storing the usage status (see Id.); and

a computation section for calculating and outputting a license fee to be paid for

each provider stored in the provider information table, on the basis of a ground total of

usage fees made by the payment-status management table and the usage status (see

Supra Response to Arguments).

W.R.T. Claim 2: Korpela further discloses the system, wherein the detection section

detects the application usage status on an application-by –application basis, and the

usage-status management table stores the application usage status on an application-

by-application basis; and the computation section includes:

an allotting section for allotting a portion of the ground total usage fees made by

the payment-status management table, as a ground total of license fees to be paid to

the providers; and

a distribution section for distributing and outputting, from the allotted ground total

of license fess, a license fee to be paid for the provider of each application, in

accordance with the usage status (see col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45;

col. 4, line 37 – col. 6, line 41; Figs. 1-4);

W.R.T. Claim 3: Korpela further discloses the system, wherein the detection section

detects the application usage status on an application-by –application basis, and the

usage-status management table stores the application usage status on an application-

by-application basis; and the computation section includes:

an allotting section for allotting a portion of the ground total usage fees made by

the payment-status management table, as a ground total of license fees to be paid to

the providers;

a distribution section for distributing and outputting, from the allotted ground total

of license fess, a license fee to be paid for the provider of each application, in

accordance with the usage status; and

a calculation section for summing provider by provider the license fees

distributed and output with respect to all the users (see Supra Figs. and columns);

W.R.T. Claim 4: Korpela further discloses the system, wherein the detection section

counts a download count of the application in a predetermined period, and the usage-

status management table stores the counted download count as a usage status; and

the computation section calculates the license fee on the basis of the download count

(see Id.);

W.R.T. Claim 5: Korpela further discloses the system, wherein the detection section

detects an execution time of the application on the terminal, and the usage-status

management table stores the detected execution time as a usage status; and the

computation section calculates the license fee on the basis of the execution time (see

col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-

4);

W.R.T. Claim 6: Korpela further discloses the system, wherein the detection section

regards as the execution time a difference between a time of receipt from the terminal of

a notification indicating start of the application and a time of receipt from the terminal of

a notification indicating end of the application (see Id.);

W.R.T. Claim 7: Korpela further discloses the system, wherein the detection section

detects an activation count of the application on the terminal, and the usage-status

management table stores the detected activation count as a usage status; and the

computation section calculates the license fee on the basis of the activation count (see

Supra Figs. and columns);

W.R.T. Claim 8: Korpela further discloses the system, wherein the detection section

counts point number with which the user voted for the application, and the usage-status

management table stores the counted point number as a usage status; and the

computation section calculates the license fee on the basis of the point number (see

Id.);

W.R.T. Claim 9: Korpela further discloses the system, wherein an upper limit is provided

for points that the user uses in a predetermined period, and an invalidating section is

provided in order to invalidate a portion of the points exceeding the upper limit (see col.

1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-4);

W.R.T. Claim 10: Korpela further discloses the system, wherein a grasping section for

grasping an application for which the user performs point voting; and a provision section

for providing an ID of the grasped application to a predetermined terminal in response to

the user request (see Id.);

W.R.T. Claim 11: Korpela further discloses the system, wherein the grasping section grasps, as the application for which the user performs point voting, an application which was downloaded by the user in a predetermined period (see Supra Figs. and columns);

W.R.T. Claim 12: Korpela further discloses the system, wherein the grasping section grasps, as the application for which the user performs point voting, an application which was activated by the user in a predetermined period (see col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-4);

W.R.T. Claim 13: Korpela further discloses the system, wherein the grasping section grasps, as the application for which the user performs point voting, an application for which the user performed point voting in a predetermined period (see Id.);

W.R.T. Claim 14: Korpela further discloses the system, wherein the detection section detects the usage status through receipt of a point number with which the user voted for each application in a predetermined period; and a judgment section is provided which judges that the user performs point voting for the application only when points contained in the received point number are for an application which was downloaded by the user in a predetermined point-input effective period (see Supra Figs. and columns);

W.R.T. Claim 15: Korpela further discloses the system, further including:

a selection section for forcing the user to select an application;

a judgment section for judging on a user-by-user basis whether the user performs point voting for the selected application; and

an error transmission section (see col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-4);

W.R.T. Claim 16: Korpela further discloses the system, wherein the detection section

detects at least two among the group having: a download count of the application in a

predetermined period, an activation count of the application on the terminal, an

execution time of the application on the terminal, and a point number; the usage-status

management table stores as parameters at least two detection values; and the

computation section calculates the license fee on the basis of a predetermined

calculation formula combined with the at least two parameters (see Id.);

W.R.T. Claim 17: Korpela further discloses the system including:

a communication section for performing data communication with an internet

terminal; and

a search/output section for searching the application in response to the request

(see Supra Figs. and columns);

W.R.T. Claim 18: Korpela further discloses the system including a mail transmission

section (see col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line

41; Figs. 1-4);

W.R.T. Claim 19: Korpela further discloses the system including a screen generation

section (see Id.);

W.R.T. Claim 20: Korpela further discloses the system including a payable amount

output section (see Supra columns);

W.R.T. Claim 21: Korpela further discloses the system, wherein the payable amount

output section includes:

a totaling section for totaling the license fees; and

an output section for outputting the totaled license fees as a payable license fee

(see col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41;

Figs. 1-4);

W.R.T. Claim 22: Korpela further discloses the system, wherein the payment status of

each user is stored in the respective table (see Id.);

W.R.T. Claim 23: Korpela further discloses the system, wherein a total of usage fees

paid by each user is stored in the payment-status management table (see Supra Figs.

and columns);

W.R.T. Claim 24: Korpela further discloses the system, wherein the usage fee is

constant among all users (see col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4,

line 37 – col. 6, line 41; Figs. 1-4);

W.R.T. Claim 25: Korpela further discloses the system, wherein the usage fee is

constant within each of user groups into which users are classified in accordance with

predetermined criteria (see Id.);

W.R.T. Claim 26: Korpela further discloses the system, wherein the detection section

counts a download count of the application; and a prohibition control section prohibits a

user to download the application over a predetermined upper limit (see Supra Figs. and

columns);

W.R.T. Claim 27: Korpela further discloses the system, wherein the detection section

detects an execution time of the application; and a prohibition control section prohibits a

user to download the application over a predetermined upper limit (see col. 1, line 43 –

col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-4);

W.R.T. Claim 28: Korpela further discloses the system, wherein the detection section counts an activation count of the application; and a prohibition control section prohibits a user to download the application over a predetermined upper limit (see Id.);

W.R.T. Claim 29: Korpela further discloses the system, wherein the application includes a program for displaying on the terminal a point input interface for enabling the user to perform point voting; and the detection section detects the usage status by receiving via the Internet a point number (see Supra Figs. and columns);

W.R.T. Claim 30: Korpela further discloses the system, wherein the detection section detects the usage status through receipt of a point number with which the user voted for each application in a predetermined period; and a judgment section is provided which judges that the user performs point voting for the application (see col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-4);

W.R.T. Claim 31: Korpela further discloses the system including:

      a server application storage section;

      a common database commonly accessed by the plurality of server application; and

      a limiting section for limiting an accessible table area of the common database for each server application (see Id.);

W.R.T. Claim 32: Korpela further discloses the system including:

      a server application storage section;

      a common database commonly accessed by the plurality of server application; and

a limiting section for limiting an accessible table area of the common database for each

application provider (see Id.);

W.R.T. Claim 33: Korpela further discloses the system including:

       a server application storage section; and

       a common process interface which accesses data stored in the user information

table, wherein the server application accesses the user information table (see col. 1,

line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-4).

       W.R.T. Claim 34:

       Korpela discloses a method comprising the steps of:

       storing the status of payment of a predetermined usage fee which the user of

each terminal pays for a predetermined period (see col. 1, line 43 – col. 2, line 38; col.

3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-4);

       detecting the status of usage of the application;

       storing the detected usage status; and

       calculating a license fee to be paid for each provider stored in a provider

information table, on the basis of the stored ground total of usage fees and the stored

usage status and for outputting the license fee (see Supra Claim 1).

W.R.T. Claim 35: Korpela further discloses the method, wherein the step of detecting

detects the application usage status on an application-by-application basis; the step of

storing stores the application usage status on an application-by-application basis; and

the step of calculating includes:

a step for allotting a portion of the stored ground total of usage fees as a ground total of license fees to be paid to the providers; and

a step for distributing and outputting, from the allotted ground total of license fees, a license fee to be paid for the provider of each application, in accordance with the stored usage status (see col. 1, line 43 – col. 2, line 38; col. 3, lines 8-45; col. 4, line 37 – col. 6, line 41; Figs. 1-4);

W.R.T. Claim 36: Korpela further discloses the method, wherein the step of detecting detects the application usage status on an application-by-application basis; the step of storing stores the application usage status on an application-by-application basis; and

the step of calculating includes:

a step for allotting a portion of the usage fees paid by the user as a license fee;

a step for distributing and outputting, from the allotted license fee, in accordance with the stored usage status; and

a step of summing provider by provider the license fees distributed and output with respect to all the users in order to obtain a license fee to be paid to each provider (see Id.);

W.R.T. Claims 37-39: Korpela discloses the medium to perform the method claims 34-36, respectively.
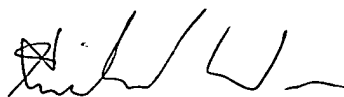
Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

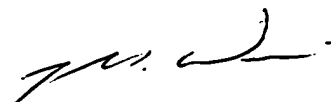than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Richard Woo whose telephone number is 703-308-
7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00
PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for
the organization where this application or proceeding is assigned are 703-872-9306 for
regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703-308-0861.

Richard Woo
Patent Examiner
GAU 3629
October 28, 2004

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600